

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include an amendment to FIGS. 9 and 11. These sheets, which include FIGS. 9 and 11, replace the original sheets including FIGS. 9 and 11. A marked copy of amended FIGS 9 and 11 are enclosed. Also, enclosed for the convenience of the Patent Office, are replacement drawings.

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REMARKS

The title has been amended as required by the Examiner. The specification has been amended to correct minor typographical errors and to conform to changes made in the drawings. No new matter has been added.

Claim 1 has been amended to incorporate the limitations of claim 2 which has been cancelled. Claim 6 has been amended to correct a minor typographical error.

Turning to the art rejections, and considering first the rejection of claims 1-5 under 35 U.S.C. 103(a) as being unpatentable over Ren et al. (US 2003/0157395 A1) in view of Roberts (US 3,556,161), independent claim 1 requires, in part, “a gas discharge unit provided with a filter... wherein said filter is constituted of a vapor-liquid separation membrane substrate and a carbon dioxide permselective membrane provided on the substrate”. Neither, Ren et al. nor Roberts teaches this, and thus, no combination of Ren et al. and Roberts would achieve or suggest this. The Examiner contends that item 30 of Ren et al. is analogous to Applicants’ gas discharge unit. However, Ren et al.’s item 30 cannot be analogous to Applicants’ gas discharge unit because item 30 is simply a “gas permeable layer.” It is not “provided with a filter... wherein said filter is constituted of a vapor-liquid separation membrane substrate and a carbon dioxide permselective membrane provided on the substrate,” as required by claim 1. Moreover, item 30 cannot be said to be analogous to Applicants’ filter because item 30 is not constituted of both a vapor-liquid separation membrane substrate and a carbon dioxide permselective membrane. The Examiner further errs in citing paragraph 42 of Ren et al. as teaching a “gas diffusion layer” that is analogous to Applicants’ vapor-liquid separation membrane substrate. Ren et al. does not teach a “gas diffusion layer.” Presumably, the Examiner intended to reference the “anode diffusion layer” of paragraph 42. In any event, Ren et al.’s anode

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diffusion layer is not a part of the gas-permeable layer, but is actually a separate layer (paragraph 16). Roberts is cited as supplying the teaching that the membrane is carbon dioxide permselective, however this does not overcome the above-noted deficiencies of the Examiner's reliance on Ren et al. Thus, no combination of Ren et al. and Roberts can achieve or render obvious Applicants' independent claim 1, or any of claims 3-5 that depend on claim 1.

Turning next to the rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Ren et al. in view of Roberts and further in view of Okuyama et al. (JP 2003-223920 A), claim 6 depends directly on independent claim 1. The deficiencies of the combination of Ren et al. and Roberts with respect to claim 1 have been discussed above. Okuyama et al. does not overcome these deficiencies. Okuyama et al. also does not teach a gas discharge unit provided with a filter, wherein said filter is constituted of a vapor-liquid separation membrane substrate and a carbon dioxide permselective membrane provided on the substrate. Even assuming arguendo that the Examiner correctly characterizes the teachings of Okuyama et al., no combination of Ren et al., Roberts, and Okuyama et al. can achieve or render obvious independent claim 1 or claim 6 that depends thereon.

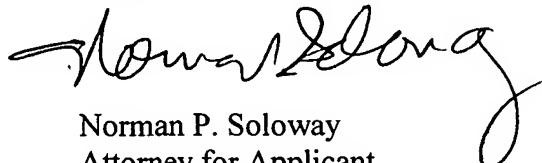
Having dealt with all the objections and rejections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

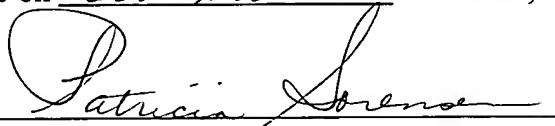
Respectfully submitted,



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CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Oct 6, 2008 at Tucson, Arizona.

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ANNOTATED MARKED-UP DRAWINGS

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FIG. 9

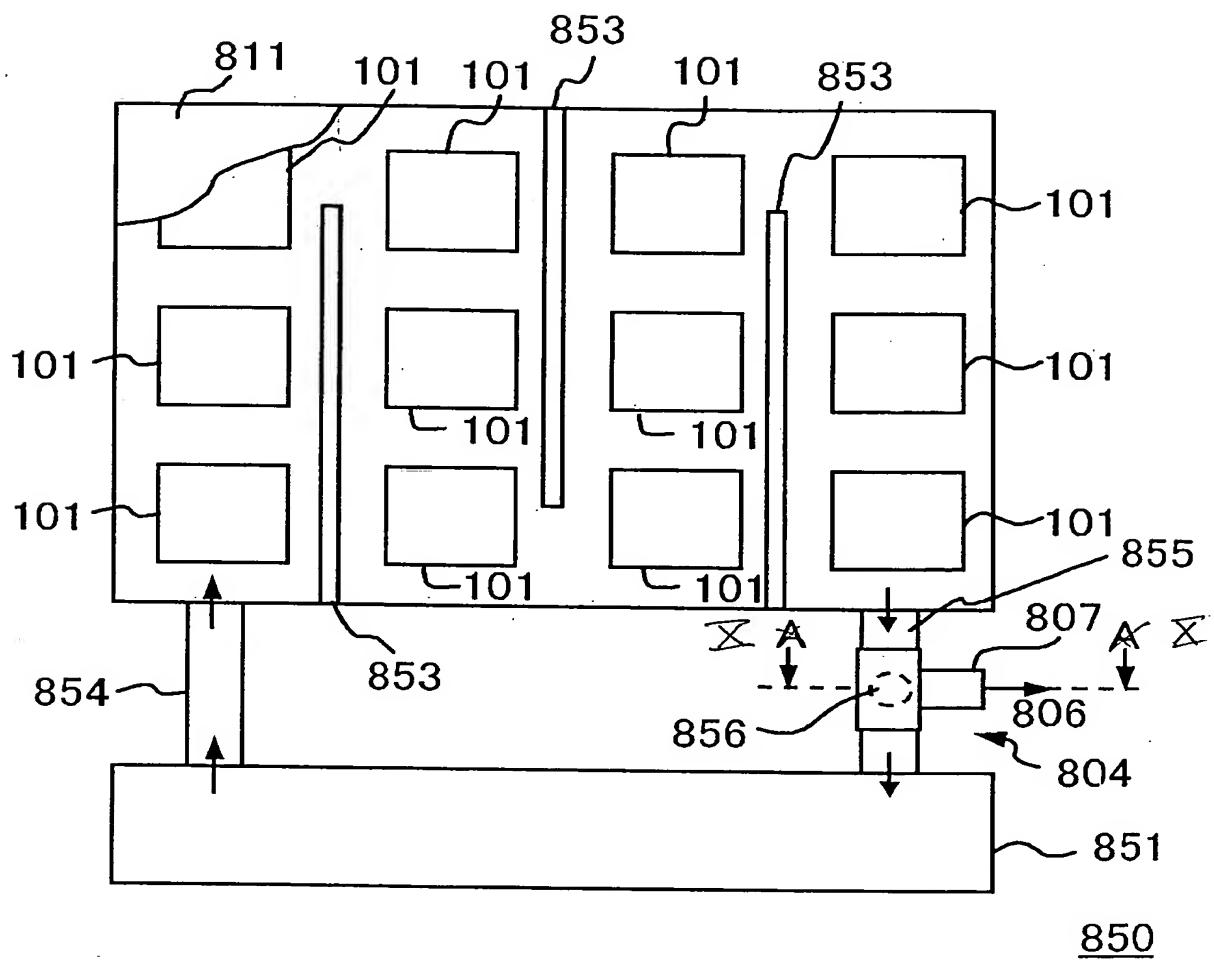
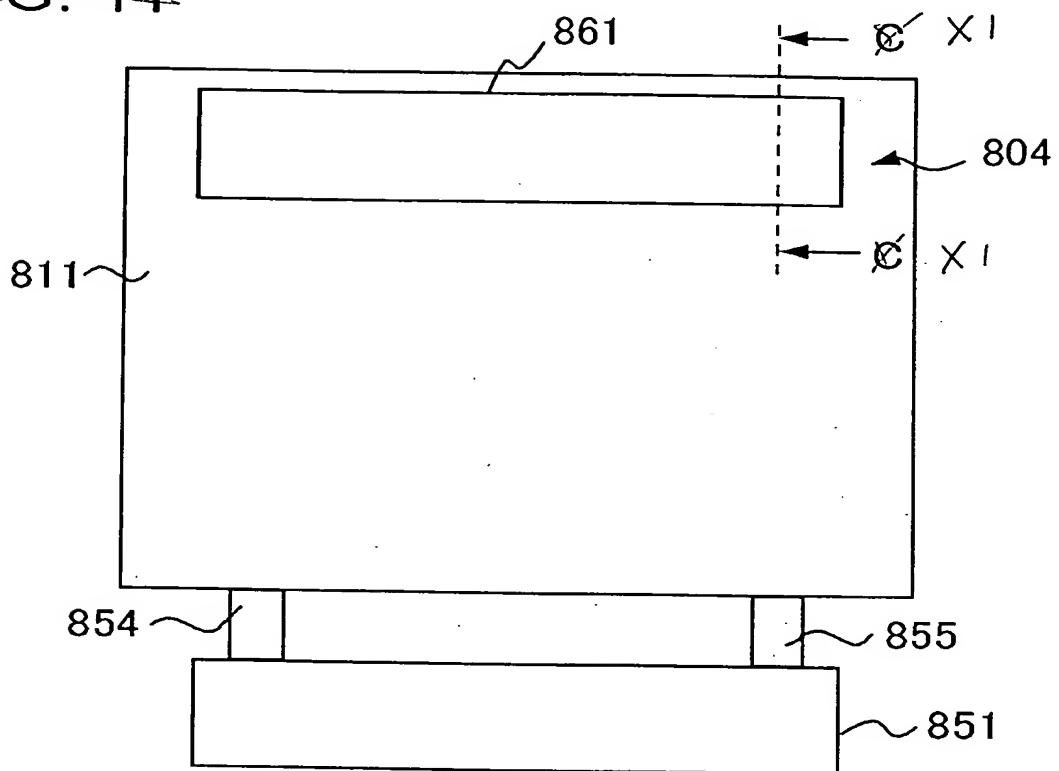


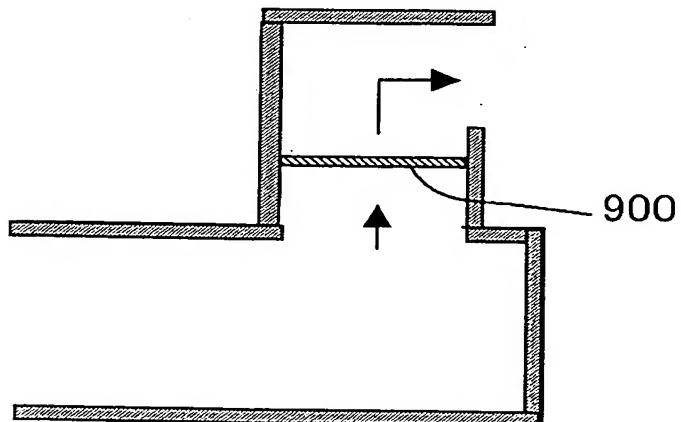
FIG. 11

FIG. 11(A)



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FIG. 11 (B)



REPLACEMENT DRAWINGS

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